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RESOLUTION NO. 2020-

A RESOLUTION APPROVING A SPECIAL USE REQUESTED TO MODIFY CERTAIN CONDITIONS OF THE EXISTING SPECIAL USE FOR THE PLUMB THICKET LANDFILL COMMONLY REFERRED TO AS HARPER COUNTY RESOLUTION NO. 2002-04, PURSUANT TO CONDITION 42 WHICH PROVIDES: "SHOULD IT BE DEEMED NECESSARY BY THE APPLICANT TO REQUEST A MODIFICATION OF ANY OF THESE CONDITIONS OR AN ADDITION THERETO, APPLICATION WILL NEED TO BE MADE TO CONSIDER ONLY SUCH MODIFICATION OR ADDITION IN THE SAME MANNER OF NOTIFICATION, HEARING, RECOMMENDATION AND DECISION AS FOR THE ORIGINAL SPECIAL USE CASE. SUCH A MODIFICATION OR ADDITION SHALL NOT CAUSE THE VALIDITY OF AN APPROVED SPECIAL USE TO BE REPEALED NOR CREATE A NEW SPECIAL USE."

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARPER COUNTY, KANSAS:

1. **SECTION 1.** That having received a recommendation from the Harper County Planning Commission on Case No. SU-01-19, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of Harper County as originally approved by Resolution No. 2019-13, a special use is hereby approved to modify Condition #17 to allow for the inclusion of a five acre tract within the screening area in the SE corner, along the entrance road, for the express purpose of an education center, a gas energy plant designed to process collected land fill gas and ancillary improvements (e.g. road, landscaping); Condition #28 to modify the annual fee paid to the County from \$150,000, subject to annual Consumer Price Index (CPI) adjustments that is directly proportional to the percentage change in the CPI for such annual period to a set amount of \$175,000, with \$25,000 dedicated to Plumb Thicket Conservation Committee and specifically used for the Environmental Program and End Use initiatives at the landfill.

Legal description:

A tract of land situated in and part of Sections 3 & 4, T 31 S, R 6 W, located in Harper County, Kansas, containing approximately 487.5 acres. Commencing at the NW Corner of Section 4, T31S, R6W, thence N 90E 00' 00" E, 1000.0 feet, along the North Line of Section 4; thence S 0E 00' 00" W, 700.0 feet to the Point of Beginning (P.O.B.). Commencing from P.O.B., thence N 90E 00' 00" E, 5920.0 feet; thence S 0E 00' 00" E, 3580.00 feet; thence S 90E 00' 00" W, 1540.00 feet; thence S 0E 00' 00" E, 1000.0 feet, to the South Line of Section 3, thence S 90E 00' 00" W, 200.00 feet, along South Line of Sections 3 & 4; thence N 0E 00' 00" W, 1000.00 feet; thence S 90E 00' 00" W, 3780.00 feet; thence N 0E 00' 00" W, 400.00 feet; thence S 90E 00' 00" W, 400.00 feet; thence N 0E 00' 00" W, 3180.00 feet, to the point of Beginning (P.O.B.).

General location:

Address: 440 NE 150 RD, Harper, Kansas. From Hwy K-2 and Runnymede North 1 mile on NE 60 Ave. and West 1.5 miles on NE 150 RD.

Such special use is subject to the following conditions:

1. A site plan and screening will need to be approved by the Site Plan Committee before a zoning permit will be approved for the educational center and landfill gas energy plant.

